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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,663	11/27/2001	Toshiaki Sasaki	862.C'2452	8052
5514 7590 05/13/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
NAJARIAN, LENA				
ART UNIT		PAPER NUMBER		
3626				
MAIL DATE		DELIVERY MODE		
05/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action **Before the Filing of an Appeal Brief**

Application No. 09/993,663	Applicant(s) SASAKI ET AL.
Examiner LENA NAJARIAN	Art Unit 3626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1, 3-8, 10-14, 100, 101 and 103.

Claim(s) withdrawn from consideration: NONE.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626

Continuation of 3.

The amendments to claims 1, 5, 7, 8, 12, 14, 100, 101, and 103 changes the scope of the claims and requires further search and consideration. For example, the claims have been amended to change "user" to "patient." Furthermore, claims 5, 12, and 101 have the newly added limitation of "wherein the personal information includes information of a clinical chart of the patient and a prescription." Claims 8 and 12 have the newly added limitation of "in accordance with information transmitted from said radio communication means."

Continuation of 11.

Applicant's arguments filed 4/25/08 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 4/25/08.

(1) Applicant argues at page 16 that Bayne's portable computer is carried by the clinician, not the patient.

As per the first argument, the Examiner respectfully submits that Applicant is arguing features that have not been entered.

(2) Applicant argues at page 16 that Bayne is not seen to disclose or suggest an emergency notification switch included with the portable terminal, for causing the portable terminal to enter an emergency notification mode.

As per the second argument, the Examiner respectfully submits that Applicant's arguments were addressed in the previous Office Action mailed 2/25/08 (see page 9 of Office Action). Furthermore, the Examiner respectfully submits that Bayne discloses at paragraph 31 that the mobile care entity operates the call center. The abstract of Bayne discloses that "a mobile care entity provides a network of predesignated mobile clinicians, each having the use of a preprogrammed portable computer." Paragraph 80 discloses that the call center directs the patient to obtain emergency medical care. As such, it is readily apparent that Bayne discloses that an emergency notification switch is included with a portable terminal, for causing the portable terminal to enter an emergency notification mode.

(3) Applicant argues at page 17 that Bayne is not seen to disclose or suggest emergency handling means which provide communication with a medical facility or stored medical information to the portable terminal, in accordance with information transmitted from the portable terminal, when the portable terminal enters the emergency notification mode.

As per the third argument, the Examiner respectfully submits that paragraph 80 of Bayne discloses obtaining emergency medical care by activating a panic button. As such, it is readily apparent that Bayne discloses an emergency handling means.

(4) Applicant argues at page 19 that the applied art is not seen to disclose or suggest an emergency notification for causing a portable terminal of an identified patient to enter an emergency notification mode, and providing communication with a medical facility or stored medical information to the portable terminal in the emergency notification mode.

As per the fourth argument, note the responses to arguments 2 and 3 above.